

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA  
AMERICAN EXPRESS NATIONAL BANK

and

TRANS UNION LLC

Defendants.

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Case No. 1:22-cv-01993-TWP-MJD

**MOTION OF DEFENDANT  
AMERICAN EXPRESS NATIONAL  
BANK TO COMPEL  
ARBITRATION**

Pursuant to section 4 of the Federal Arbitration Act, 9 U.S.C. §§ 1-16 (the “FAA”), defendant American Express National Bank (“American Express”) hereby moves this Court for an order directing plaintiff Joey Kimbrough (“Plaintiff”) to arbitrate this dispute and staying the action pending completion of arbitration. In support of this Motion, Defendant American Express submits to the Court a memorandum of law filed contemporaneously herewith.

Plaintiff’s claims are subject to the arbitration agreements (the “Arbitration Agreements”) contained within the Cardmember Agreements governing his American Express accounts ending in 61004, in 61007, in 71005, in 01002, and in 41007 (collectively, the “Accounts”). By their terms, the Arbitration Agreements broadly encompass any claim, dispute, or controversy relating to the Accounts, and Plaintiff asserts claims relating to alleged inaccurate tradelines to his credit report with respect to the Accounts. Thus, by the express terms of the Arbitration Agreements, any such controversy must be resolved in arbitration rather than before this Court.

WHEREFORE, American Express respectfully requests the Court enter an order requiring Plaintiff to arbitrate this dispute and staying the action pending completion of arbitration.

Dated: August 15, 2023.

Respectfully submitted,

By: /s/ Adam R. Hoock

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Attorneys for Defendant *American Express  
National Bank*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 15, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and certify that a true and correct copy of the foregoing was provided to all parties and counsel of record.

/s/ Adam R. Hoock  
Adam R. Hoock